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SUBJECT: CONSTITUTIONAL COURT RULING EXPECTED NOVEMBER 11
ON GUARANTEES LAW

Summary

¶1. Colombia's Constitutional Court is expected to rule Friday, November 11 on the Electoral Guarantees law, which sets out the presidential campaign "rules of the game" for incumbents seeking second terms. A leading weekly newspaper, which accurately predicted the Court's recent reelection decision a month before it was issued, reported November 5 that the Court would uphold the Guarantees law by a vote of at least 6-3; the paper's sources suggested the vote could be as high as 8-1. Such a decision would be the final green light President Uribe needs to run again in 2006. End summary.

Court Ruling Expected November 11

¶2. Court president Manuel Jose Cepeda said when announcing the Court's reelection decision October 19 that he expected a ruling on the Electoral Guarantees law by November 11; commentators, quoting Court sources, have reinforced Cepeda's statement in recent days. The Court has various options available to it: uphold the law; reject it as unconstitutional; return it to the legislature for revisions; or interpret it in a way that essentially rewrites the text to ensure as level a playing field as possible for candidates running against an incumbent president.

Attorney General Strongly Opposed

¶3. Attorney General (Procurador General de la Nacion) Edgardo Maya argued in a written submission to the Court that the law suffered from a large number of defects, some of a constitutional nature. He suggested the Court declare certain sections of the law unconstitutional and return the law to the legislature to correct a larger number of "curable" deficiencies. The Court largely ignored Maya's submission against reelection in the run-up to its October 19 decision in favor.

Leading Weekly Predicts Court Will Uphold Law

¶4. The weekly "El Espectador" newspaper predicted November 5 that the Court would rule by a vote of at least 6-3 that the law was constitutional. The paper suggested the Court would address the law's substance and essentially interpret unclear sections in a manner favorable to candidates challenging an

incumbent president, thus avoiding the need to return the law to the legislature for additional work (which could prove awkward for reasons of timing). The paper, which accurately predicted the Court's October 19 reelection decision, said two judges that it counts as negative votes could vote with the majority, which would result in an 8-1 decision to uphold the law. Such a ruling would be the final green light Uribe needs to put his name on the ballot for the May 2006 presidential race.

15. COMMENT: Most legal analysts and political pundits assume a favorable decision. While likely, the Court has made surprising decisions in the past. As in the days prior to the decision on reelection, Court sources remain tight-lipped about a final outcome.

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